

SRBA



Movant: State of Idaho

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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

)	Subcase No. 91-00005
)	
In Re: SRBA)	Basin-Wide Issuc 5
)	(Conjunctive Management General Provision)
Case No. 39576)	
)	AFFIDAVIT OF KARL J. DREHER
)	

STATE OF IDAHO)
) ss.
County of Ada)

KARL J. DREHER, being first duly sworn upon oath, deposes and says:

1. I make the following statements based on personal knowledge.
2. I am the Director of the Idaho Department of Water Resources. My professional qualifications and history are described in the *Affidavit of Karl J. Dreher*, Subcase No. 91-00005 (December 30, 1999) on file with the Snake River Basin Adjudication Court.
3. In my capacity as Director of the Idaho Department of Water Resources, I have the authority and responsibility for the administration of water rights within the State of Idaho.
4. I am familiar with the recommended general provisions at issue as part of Basin Wide Issue No. 5, known as the conjunctive management general provisions. Further, I am familiar with the files and record in Subcase No. 91-00005 now before the SRBA District Court.
5. The proposed general provisions are necessary to define the relationships between the specific sources of water for all water rights within the Snake River Basin Adjudication so that the water rights can be properly administered. That is, these general provisions are necessary to define which water rights shall be administered separately from other water rights within the Snake River Basin and which water rights shall be administered conjunctively with other hydraulically connected water rights in the Snake River Basin. The definition of source relationships by the SRBA District Court, together with the other statutorily required elements of a water right, is essential for the Idaho Department of Water Resources to properly administer the waters of the Snake River Basin. Should the SRBA District Court not include the proposed general provisions defining relationships between sources of water, the Department of Water

Resources may be precluded from attempting to define the relationships and may be unable to properly administer the waters of the Snake River Basin.

6. It is also necessary to define the relationships between sources of water, as proposed by the general provisions, to efficiently administer water rights within the Snake River Basin. Without the determination of source relationships by the SRBA District Court, the Idaho Department of Water Resources, upon a call being made, would have to make the determination of relationships between water rights on a case-by-case basis, law permitting, as part of the administrative process. Such a procedure would be highly inefficient and would frustrate the administration of water rights within the Snake River Basin.

7. Additional data are required for the Idaho Department of Water Resources to properly and efficiently administer water rights conjunctively because it is presently not possible to make precise determinations quantifying the relationships between all water rights under all conditions. However, no additional provisions in the decrees issued by the SRBA District Court, other than the recommended general provisions, are necessary for the Department of Water Resources to properly and efficiently administer water rights conjunctively.

In all but perhaps a few isolated instances, hydrologic, hydraulic, and geologic data are not currently sufficient to precisely define the relationship between water rights from surface water sources and water rights from ground water sources in the Snake River Basin. Even if such data were presently available, a more detailed general provision setting forth the legal and physical relationships between water rights would not necessarily be needed for the proper and efficient administration of water rights. Both water demand and water supply are constantly changing, and geologic conditions can also change over time. Proper conjunctive management should be based on up-to-date data. If the present limited knowledge of the hydrologic,

hydraulic, and geologic conditions within the Snake River Basin were memorialized by general provisions in a decree, the Idaho Department of Water Resources would lose the administrative flexibility necessary to respond to changes in hydrologic, hydraulic, or geologic conditions. This would inhibit the proper and efficient administration of water rights by the Idaho Department of Water Resources.

8. The Idaho Department of Water Resources is in the process of completing the formulation of negotiated General Water Management Rules. The next negotiation session is scheduled for January 30, 2001. I have attached the schedule for the planned completion of this rulemaking process hereto as Exhibit A. The Idaho Department of Water Resources also initiated negotiated rulemaking for the Eastern Snake Plain Aquifer Water Management Rules on October 25, 2000 (IDAPA Docket No. 37-0315-0001).

Further your Affiant sayeth naught.

DATED this 19th day of January, 2001.


KARL J. DREHER

Director

Idaho Department of Water Resources

SUBSCRIBED AND SWORN TO BEFORE ME this 19th day of January 2001.


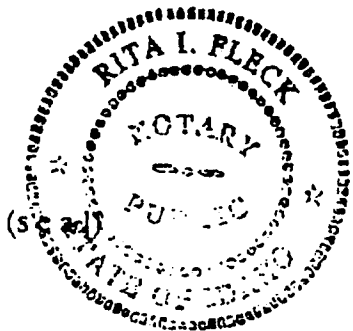

NOTARY PUBLIC for Idaho
Residing at: Lewiston, Id
My Commission Expires: 1/25/2006

EXHIBIT A**Schedule for Promulgating General Water Management Rules**

- November 1, 2000 Publish notice on resumption of rulemaking for statewide General Water Management Rules
- November 27, 2000 Begin renewed negotiations of statewide Water Management Rules
- April 1, 2001 Depending on progress of negotiations, adopt statewide Water Management Rules to take effect as temporary rules (requires Governor's approval)
- September 1, 2001 Adopt statewide Water Management Rules to take effect as temporary rules if consensus not reached through negotiations by April 1 (requires Governor's approval)
- End of 2002 Legislative Session Re-adopt statewide Water Management Rules to remain in effect as temporary rules if not extended by 2002 Legislature (requires Governor's approval)
- July 2002 Submit statewide Water Management Rules as Proposed Rules
- October 2002 Submit statewide Water Management Rules as Pending Rules for concurrence by the 2003 Legislature

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of January 2001, I caused to be served a true and correct copy of the foregoing **AFFIDAVIT OF KARL J. DREHER** by the method indicated:

Court Certificate of Mailing for Basin-Wide 5
Conjunctive Management


- ☒ U.S. Mail, postage prepaid
- ☐ Hand Delivery
- ☐ Federal Express
- ☐ Facsimile: _____
- ☐ Statehouse Mail

United States Department of Justice
Environment and Natural Resources Division
550 West Fort Street, MSC 033
Boise, ID 83724

- ☒ U.S. Mail, postage prepaid
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Deputy Attorney General
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